

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2021 JUL 27 AM 11:52
MARGARET BOTKINS, CLERK
CASPER

RIA R SQUARED, INC.,
a Delaware corporation,

Plaintiff

v.

PAUL D. MCCOWN, and
MCCOWN ENTERPRISES, LLC,

Defendants

Civil Action No. 21-CV-125-S

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
SECOND MOTION FOR EXPEDITED DISCOVERY**

THIS MATTER comes before the Court on Plaintiff's Second Motion for Expedited Discovery (Doc. 29). Having considered the motion and reviewed the record herein, the Court finds Plaintiff has shown good cause in support of some, but not all, of its second request to conduct supplemental and limited expedited document discovery prior to a Rule 26 conference. *See Qwest Commc'ns Int'l, Inc. v. WorldQuest Networks, Inc.*, 213 F.R.D. 418, 419 (D. Colo. 2003) ("a party seeking expedited discovery in advance of a Rule 26(f) conference has the burden of showing good cause for the requested departure from usual discovery procedures"). Plaintiff has not sufficiently identified why certain non-parties who have already received document subpoenas should be served with additional document subpoenas. (*Compare* Doc. 7 p. 2 *with* Doc. 29 p. 7.) Based on the information currently before the Court, it will not authorize additional expedited discovery requests to the non-parties who have previously received document subpoenas. *See Washington v. Correia*, 546 F. App'x 786, 787-88

(10th Cir. 2013) (unpublished) (authorizing or denying a request for expedited discovery rests within a court's discretion). Plaintiff has shown good cause to issue document subpoenas to the previously unknown non-parties who received or assisted in transferring some of the loan proceeds at issue in this case. (*See* Doc. 29 p. 5.) The need for limited expedited discovery due to the fungible nature of the money at issue outweighs any prejudice to the responding party.

IT IS THEREFORE ORDERED that Plaintiff's Second Motion for Expedited Discovery (Doc. 29) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff RIA R Squared, Inc. is hereby authorized, prior to the Initial Discovery Conference and other prerequisites contained in the Federal Rules of Civil Procedure, to serve subpoenas pursuant to the procedure required by Fed. R. Civ. P. 45 seeking production of the categories of documents described in Plaintiff's Second Motion for Expedited Discovery (Doc. 29) and due return according to law on the following parties and entities:

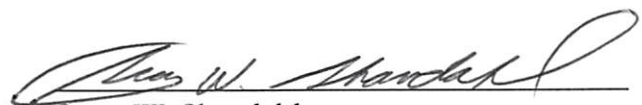
- Wyoming Business Council
- Susan Gleason
- JP Morgan
- Notre Dame Federal Credit Union
- Central Bank and Trust
- Jake and Hillary Halsmer
- Eli and Maria Rowney
- Will and Erin Dowdy

- DonorsTrust
- Doug and Amy Tietz; and
- Google.

Plaintiff's Second Motion for Expedited Discovery (Doc. 29) is **DENIED WITHOUT PREJUDICE** and no additional document subpoenas may issue as to:

- Paul & Claire Alarcon;
- Phillip McCown
- Jonathan Tonkovich;
- Trolan LLC;
- Wyoming Catholic College;
- Wyoming Community Bank; and
- Robert W. Baird and Company.

DATED this 27th day of July, 2021.



Scott W. Skavdahl
United States District Judge